

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. _____
)	Violations: Title 18, United States Code
ALBIN C. BRENKUS,)	Sections 2, 371, 844(i), 844(n),
CARL A. COVELLI,)	1503 and 1952
KENT B. DICKINSON,)	
KEITH J. DUTTON,)	
PETER C. LIPA,)	
PETER R. MACARI,)	
JOSEPH L. MARJAN,)	
MICHAEL A. ROSSI,)	
GREGORY J. TORTORELLO)	

COUNT ONE

The SPECIAL FEBRUARY 2002-2 GRAND JURY charges:

At times material to this Indictment:

1. AMC Entertainment Inc. ("AMC"), Kansas City, Missouri, was engaged in the ownership and operation of motion picture theaters throughout the United States and in the Northern District of Illinois, Eastern Division.

2. Cinemark U.S.A., Inc. (Cinemark"), Plano, Texas, a subsidiary of Cinemark Inc., Plano, Texas, was engaged in the ownership and operation of motion picture theaters throughout the United States and in the Northern District of Illinois, Eastern Division.

3. Loews Cineplex Entertainment Corporation ("Loews"), New York, New York, a subsidiary of Onex Corporation, Toronto, Ontario, Canada, was engaged in the ownership and operation of motion picture theaters throughout the United States and in the Northern District of Illinois, Eastern Division. In May 1998, Loews was formed from the merger of Loews Theatres Exhibition Group, a unit of Sony Pictures Entertainment ("Sony/Loews"), and Cineplex Odeon

Corporation.

4. Motion Picture Projectionists, Operators and Video Technicians, Local 110 of the International Alliance of Theatrical Stage Employees of the United States and Canada, AFL-CIO, (“Local 110”) was a labor union with principal offices in Chicago, Illinois. Local 110 represented several hundred members employed as projectionists in movie theaters and engaged in operating portable audio visual equipment at trade shows, conventions and similar gatherings at hotels, convention centers and auditoriums in Chicago, Illinois, and its surrounding suburbs.

5. On February 18, 1998, the collective bargaining agreement between Local 110 and Sony/Loews expired. Contract negotiations continued until April 27, 1998, when Sony/Loews “locked out” all Local 110 projectionists from its theaters; that is, Sony/Loews refused to furnish work to its Local 110 employees, replacing them with management and other non-union employees. On December 18, 1997, Cineplex Odeon began negotiating a new collective bargaining agreement with Local 110. Negotiations broke down and Cineplex Odeon locked out all Local 110 projectionists from its theaters on May 2, 1998. The lockouts prompted picketing and other retaliatory actions by Local 110 members. The lockouts idled the affected Local 110 members for a period of six months until a collective bargaining agreement was reached on October 27, 1998.

6. Local 110 did not have collective bargaining agreements with AMC with respect to any of the employees at the AMC theaters in Warrenville and South Barrington, Illinois. Negotiations between Local 110 and AMC during the period from July 16, 1997 through March 29, 1998, concerning the employment of Local 110 projectionists at these two theaters were unsuccessful.

7. Local 110 did not have collective bargaining agreements with Cinemark concerning

any of the employees at the Cinemark theaters in Melrose Park and North Aurora, Illinois.

8. AMC, Cinemark, and Loews (hereinafter referred to collectively as the “Companies”) were each engaged in interstate commerce through the acquisition, ownership and operation of motion picture theaters.

THE DEFENDANTS

9. The defendants and identified coconspirators held the following positions in or with respect to Local 110:

(a) Defendant ALBIN C. BRENKUS was the Secretary-Treasurer of Local 110, serving as its second-in-command, managing the daily affairs of Local 110 under its Business Manager and the Local 110 Executive Board. The Local 110 Executive Board consisted of the Business Manager, a President, Vice-President, Secretary-Treasurer, and four board members.

(b) Defendants CARL A. COVELLI, KENT B. DICKINSON, KEITH J. DUTTON, PETER C. LIPA, JOSEPH L. MARJAN and GREGORY J. TORTORELLO were members of Local 110. Defendant DICKINSON served on the Local 110 negotiating committee, under an appointment by Local 110’s Business Manager.

(c) Defendant MICHAEL A. ROSSI was seeking to become a member of Local 110.

THE CONSPIRACY

10. From in or about November 1997 through in or about September 1999, in the Northern District of Illinois, Eastern Division, and elsewhere,

ALBIN C. BRENKUS,
CARL A. COVELLI,
KENT B. DICKINSON,
KEITH J. DUTTON,

PETER C. LIPA,
JOSEPH L. MARJAN,
MICHAEL A. ROSSI, and
GREGORY J. TORTORELLO,

defendants herein, did knowingly conspire and agree together and with other persons known and unknown to the Grand Jury, to maliciously damage and cause to be damaged by means of fire, real and personal property of the Companies, said real and personal property then being used in interstate commerce and an activity affecting interstate commerce, in violation of Title 18, United States Code, Section 844(i).

MANNER AND MEANS OF THE CONSPIRACY

11. It was part of the conspiracy that:

(a) Defendants and their coconspirators agreed to use and used violence, acts of vandalism and arson in order to intimidate representatives, employees and customers of the Companies, and to cause economic injury to the Companies to coerce them to enter into collective bargaining agreements with Local 110, in order to insure the employment of Local 110 members.

(b) Defendants and their coconspirators recruited members and prospective members of Local 110 to engage in violence, acts of vandalism and arson against the Companies and their employees and patrons.

(c) Defendants and their coconspirators created and activated, and caused others to create and activate, in movie theaters owned and operated by the Companies, incendiary devices consisting of mixtures of chlorine and brake fluid, usually contained in drink cups or plastic bags, which, when activated through the mixture of the chlorine and brake fluid, produced chlorine gas and smoke and, if left undisturbed, ignited into flaming combustion.

(d) Defendants and their coconspirators placed and caused others to place these

incendiary chlorine and brake fluid devices in the Companies' movie theaters throughout the United States, while movies were being shown to patrons, resulting in the evacuation of the Companies' theaters, disruption of the Companies' businesses, and, in some cases, damage to the Companies' theater property resulting from smoke and fire.

(e) Defendants and their coconspirators solicited other defendants and coconspirators to throw lighted flares and other incendiary smoke generating devices into or onto the Companies' theaters.

(f) Defendants caused messages in the form of copies of a compact disc cover of the music group *Chicago* and Chicago theater advertisements to be left at various of the Companies' theaters throughout the United States at which the incendiary chlorine and brake fluid devices had been placed and activated, in order to communicate that such devices had been placed and activated because of the Companies' failure to enter into collective bargaining agreements with Local 110 in Chicago.

(g) Defendants and their coconspirators subsidized the violence, vandalism and travel of Local 110 members and prospective members, including those who placed and activated the incendiary chlorine and brake fluid devices in the Companies' theaters around the United States, by paying and causing the payment of cash, and providing employment and other benefits.

12. It was further a part of the conspiracy that, in or about early 1998, defendant ALBIN C. BRENKUS met with defendant KENT B. DICKINSON to explain how to assemble the incendiary chlorine and brake fluid devices and to recruit DICKINSON to place and activate them in the Companies' movie theaters.

13. It was further a part of the conspiracy that, in or about early 1998, defendant ALBIN

C. BRENKUS gave defendant KENT B. DICKINSON chlorine tablets for DICKINSON's and others' use in the placement and activation of the incendiary chlorine and brake fluid devices in the Companies' movie theaters.

14. It was further a part of the conspiracy that, in or about early 1998, defendant ALBIN C. BRENKUS met with defendant JOSEPH L. MARJAN and others to explain how to assemble the incendiary chlorine and brake fluid devices and to recruit MARJAN to place and activate them in the Companies' movie theaters.

15. It was further a part of the conspiracy that, in or about March 1998, defendants KENT B. DICKINSON and KEITH J. DUTTON traveled to the AMC Cantera 30 theater building located in Warrenville, Illinois, for the purpose of observing the security measures employed by AMC at its theater complex and determining the most effective and efficient manner of carrying out the planned placement and activation of the incendiary chlorine and brake fluid devices at the AMC theater complexes in Warrenville and South Barrington, Illinois.

16. It was further a part of the conspiracy that, in or about March 1998, defendants KENT B. DICKINSON and KEITH J. DUTTON agreed that the incendiary chlorine and brake fluid devices that were to be placed and activated at the AMC movie theater complexes in Warrenville and South Barrington, Illinois, would be mixed in plastic bags.

17. It was further a part of the conspiracy that, in or about March 1998, defendant KENT B. DICKINSON provided chlorine tablets to defendant KEITH J. DUTTON for use in the planned placement and activation of the incendiary chlorine and brake fluid devices at the AMC movie theater complex in South Barrington, Illinois.

18. It was further a part of the conspiracy that, in or about March 1998, defendant KENT

B. DICKINSON met with defendant CARL A. COVELLI for the purpose of discussing and coordinating the planned placement and activation of the incendiary chlorine and brake fluid devices at the AMC movie theater complexes in Warrenville and South Barrington, Illinois.

19. It was further a part of the conspiracy that, on or about March 29, 1998, defendant KENT B. DICKINSON placed and activated incendiary chlorine and brake fluid devices in the AMC Cantera 30 in Warrenville, Illinois, causing heavy chlorine smoke, fire, evacuation of the theater, and fire damage.

20. It was further a part of the conspiracy that, on or about March 29, 1998, one or more coconspirators placed and activated incendiary chlorine and brake fluid devices in the AMC 30 Theater in South Barrington, Illinois, causing heavy chlorine smoke, a fire, and evacuation of the theater.

21. It was further a part of the conspiracy that, on or about April 4, 1998, following incidents of vandalism and the placing of lighted smoke bombs in the Loews theater located at 1471 West Webster, Chicago, Illinois, a coconspirator, at the direction of defendant CARL A. COVELLI, assaulted and injured the manager of that theater by striking him in the head with a pipe.

22. It was further a part of the conspiracy that, on or about June 7, 1998, defendants KENT B. DICKINSON and PETER C. LIPA traveled to the Sony/Loews theater at 9529 East Washington Street, Indianapolis, Indiana, where defendant DICKINSON placed and activated an incendiary chlorine and brake fluid device causing heavy chlorine smoke, evacuation of the theater, and fire damage.

23. It was further a part of the conspiracy that, on or about June 7, 1998, defendants KENT B. DICKINSON and PETER C. LIPA traveled to the Sony/Loews theater at 3535 West 86th

Street, Indianapolis, Indiana, where defendant DICKINSON placed and activated an incendiary chlorine and brake fluid device causing heavy chlorine smoke, evacuation of the theater, and fire damage.

24. It was further a part of the conspiracy that, on or about July 24, 1998, defendants JOSEPH L. MARJAN and GREGORY J. TORTORELLO traveled to the Loews theater in Streamwood, Illinois, where defendant MARJAN activated and threw a U.S. Navy Marine Signal/Smoke flare device, Model MK 13, into auditorium #12, and defendant TORTORELLO activated and threw a commercial smoke signaling device manufactured by Superior Signal Co., into auditorium #13, resulting in evacuation of the theater, and fires in auditorium #12 and auditorium #13.

25. It was further a part of the conspiracy that, on or about August 2, 1998, defendants KENT B. DICKINSON and JOSEPH L. MARJAN traveled to the Loews Theater at 3349 East Patterson Road, Beavercreek, Ohio, where they placed and activated an incendiary chlorine and brake fluid device causing heavy chlorine smoke and evacuation of the theater.

26. It was further a part of the conspiracy that, on or about August 15, 1998, defendants KENT B. DICKINSON and JOSEPH L. MARJAN traveled to the Sony theater complex at 1998 Broadway, New York, New York, where they placed and activated incendiary chlorine and brake fluid devices in the Valencia Theater and the Palace Theater, causing heavy chlorine smoke, evacuation of approximately 4,000 patrons, and fire damage.

27. It was further a part of the conspiracy that, on or about October 3, 1998, defendants KENT B. DICKINSON and JOSEPH L. MARJAN traveled to Loews Theater 8, 494 Harmon Meadow Boulevard, Secaucus, New Jersey, where they placed and activated an incendiary chlorine

and brake fluid device causing heavy chlorine smoke, fire and evacuation of the theater.

28. It was further a part of the conspiracy that, on or about November 14, 1998, defendants JOSEPH L. MARJAN and GREGORY J. TORTORELLO, placed and activated incendiary chlorine and brake fluid devices in the Cinemark Tinseltown Theater in North Aurora, Illinois, causing heavy chlorine smoke, evacuation of the theater, and a fire in auditorium #2.

29. It was further a part of the conspiracy that, on or about December 5, 1998, defendants JOSEPH L. MARJAN and GREGORY J. TORTORELLO, placed and activated an incendiary chlorine and brake fluid device in Cinemark Movies 8 in Joliet, Illinois, causing heavy chlorine smoke and evacuation of the theater.

30. It was further a part of the conspiracy that, on or about December 5, 1998, defendants JOSEPH L. MARJAN and GREGORY J. TORTORELLO, placed and activated an incendiary chlorine and brake fluid device in Cinemark Movies 10 in Joliet, Illinois, causing heavy chlorine smoke and evacuation of the theater.

31. It was further a part of the conspiracy that, on or about February 27, 1999, defendants KENT B. DICKINSON and JOSEPH L. MARJAN traveled to Cinemark Movies 10, 6284 Dressler Road N.W., North Canton, Ohio, where they placed and activated incendiary chlorine and brake fluid devices causing heavy chlorine smoke and evacuation of the theater.

32. It was further a part of the conspiracy that, on or about February 27, 1999, defendants KENT B. DICKINSON and JOSEPH L. MARJAN traveled to the Cinemark Tinseltown theater at 4720 Mega Street N.W., North Canton, Ohio, where they placed and activated incendiary chlorine and brake fluid devices causing heavy chlorine smoke, fire and evacuation of the theater.

33. It was further a part of the conspiracy that, on or about April 3, 1999, defendants

KENT B. DICKINSON and JOSEPH L. MARJAN traveled to Cinemark Movies 10, 425 Codell Drive, Lexington, Kentucky, where they placed and activated incendiary chlorine and brake fluid devices causing heavy chlorine smoke, fire and evacuation of the theater.

34. It was further a part of the conspiracy that, prior to May 15, 1999, defendants ALBIN C. BRENKUS and KENT B. DICKINSON agreed that DICKINSON would travel with other members of the conspiracy to the Dallas, Texas area for the purpose of placing and activating incendiary chlorine and brake fluid devices at Cinemark movie theaters there, in particular, the Cinemark movie theater adjacent to Cinemark's corporate headquarters building.

35. It was further a part of the conspiracy that, prior to May 15, 1999, defendant ALBIN C. BRENKUS advised defendant KENT B. DICKINSON that defendant CARL A. COVELLI would provide an individual who would drive defendants DICKINSON and MARJAN to the Dallas, Texas area for the purpose of placing and activating incendiary chlorine and brake fluid devices in Cinemark movie theaters located there.

36. It was further a part of the conspiracy that, prior to May 15, 1999, Individual A and defendant CARL A. COVELLI attempted to recruit Peter R. Macari to travel with defendants DICKINSON and MARJAN to the Dallas, Texas area for the purpose of placing and activating incendiary chlorine and brake fluid devices in Cinemark movie theaters located there.

37. It was further a part of the conspiracy that, prior to May 15, 1999, Individual A and defendant CARL A. COVELLI recruited defendant MICHAEL A. ROSSI to travel with defendants DICKINSON and MARJAN to the Dallas, Texas area for the purpose of placing and activating incendiary chlorine and brake fluid devices in Cinemark movie theaters located there.

38. It was further part of the conspiracy that, on or about May 13, 1999, defendants

CARL A. COVELLI and MICHAEL A. ROSSI met with defendant KENT B. DICKINSON for the purpose of introducing ROSSI to DICKINSON, and facilitating ROSSI's travel with DICKINSON and MARJAN to Dallas, Texas.

39. It was further part of the conspiracy that, on or about May 13, 1999, and again on or about May 16, 1999, defendant CARL A. COVELLI paid defendant MICHAEL A. ROSSI to compensate ROSSI for lost wages and expenses during his travel to Dallas, Texas with defendants DICKINSON and MARJAN.

40. It was further part of the conspiracy that, on or about May 15, 1999, defendants KENT B. DICKINSON, JOSEPH L. MARJAN and MICHAEL A. ROSSI traveled to the Cinemark Tinseltown theater complex at 3800 Dallas Parkway, Plano, Texas, where defendants DICKINSON and MARJAN placed and activated incendiary chlorine and brake fluid devices causing heavy chlorine smoke, fire, and evacuation of approximately 700 patrons from the theater.

41. It was further a part of the conspiracy that, on or about May 15, 1999, defendants KENT B. DICKINSON, JOSEPH L. MARJAN and MICHAEL A. ROSSI traveled to Cinemark Movies 17, 11819 Webb Chapel Road, Dallas, Texas, where defendants DICKINSON and MARJAN placed and activated incendiary chlorine and brake fluid devices causing heavy chlorine smoke, fire and evacuation of approximately 1,000 patrons from the theater.

42. It was further a part of the conspiracy that, on or about June 6, 1999, defendants KENT B. DICKINSON and JOSEPH L. MARJAN traveled to Cinemark Movies 14, 910 West Edison, Mishawaka, Indiana, where they placed and activated an incendiary chlorine and brake fluid device causing heavy chlorine smoke, fire and evacuation of approximately 700 patrons from the theater.

43. It was further a part of the conspiracy that in or about June 1999, defendants KENT B. DICKINSON and CARL A. COVELLI agreed that COVELLI would contact defendant MICHAEL A. ROSSI for the purpose of arranging for ROSSI to travel out of state with DICKINSON for the purpose of placing and activating incendiary chlorine and brake fluid devices in a Cinemark movie theater.

44. It was further a part of the conspiracy that, on or about June 27, 1999, defendants KENT B. DICKINSON and MICHAEL A. ROSSI traveled to the Cinemark Tinseltown theater complex at 7101 70th Court, Kenosha, Wisconsin, where they placed and activated incendiary chlorine and brake fluid devices causing heavy chlorine smoke, fire, evacuation of the theater, and fire damage.

45. It was further a part of the conspiracy that, on or about July 10, 1999, defendant KENT B. DICKINSON traveled to Cinemark Movies 12, 1317 Buckeye Avenue, Ames, Iowa, where he placed and activated incendiary chlorine and brake fluid devices causing heavy chlorine smoke and evacuation of theater patrons.

46. It was further a part of the conspiracy that, in or about July or August 1999, defendant CARL A. COVELLI and Individual A recruited defendant MICHAEL A. ROSSI and Peter R. Macari to assault and injure the manager of the Cinemark theater in Melrose Park, Illinois, promising them membership in Local 110 as a reward.

47. It was further a part of the conspiracy that, on or about August 18, 1999, defendant MICHAEL A. ROSSI drove Peter R. Macari to the residence of the manager of the Cinemark Theater located at 1001 West North Avenue, Melrose Park, Illinois, where Peter R. Macari assaulted and injured that manager by striking him in the head and other parts of his body with a baseball bat.

48. It was further a part of the conspiracy that, on or about August 20, 1999, defendants KENT B. DICKINSON and JOSEPH L. MARJAN traveled to the Cinemark Theater at 5500 Antioch, Merriam, Kansas, where they placed and activated incendiary chlorine and brake fluid devices causing heavy chlorine smoke, fire, evacuation of approximately 500 patrons, and fire damage.

49. It was further part of the conspiracy that, during the course of the conspiracy, the defendants and their coconspirators used cellular telephones, land line telephones and pagers to conduct and facilitate the conspiracy.

50. It was further part of the conspiracy that the defendants and their coconspirators concealed and hid and caused to be concealed and hidden the purposes of and the acts done in furtherance of the conspiracy, and used coded language and other means to avoid detection and apprehension by law enforcement authorities and otherwise to provide security to the members of the conspiracy.

OVERT ACTS

51. In furtherance of the conspiracy and to effect its objects, each of the acts of the defendants and coconspirators alleged in Paragraphs 12 through 48 of this Count, and in Counts Three through Six of this Indictment, are realleged as overt acts committed in the Northern District of Illinois, Eastern Division, and elsewhere.

All in violation of Title 18, United States Code, Section 844(n).

COUNT TWO

The SPECIAL FEBRUARY 2002-2 GRAND JURY further charges:

1. Paragraphs 1 through 9(a) of Count One of this Indictment are realleged and incorporated by reference herein as if fully set forth.

2. At times material to this Indictment, defendants CARL A. COVELLI, KENT B. DICKINSON, PETER C. LIPA, and JOSEPH L. MARJAN were members of Local 110, and defendants MICHAEL A. ROSSI and PETER R. MACARI were seeking to become members of Local 110.

3. From in or about November 1997 through in or about September 1999, in the Northern District of Illinois, Eastern Division, and elsewhere,

ALBIN C. BRENKUS,
CARL A. COVELLI,
KENT B. DICKINSON,
PETER C. LIPA,
PETER R. MACARI,
JOSEPH L. MARJAN, and
MICHAEL A. ROSSI,

defendants herein, did knowingly conspire and agree together and with other persons known and unknown to the Grand Jury, to travel and cause travel in interstate commerce with the intent to promote, manage, establish, and carry on, and to facilitate the promotion, management, establishment and carrying on of an unlawful activity, that is, arson in violation of Title 18, United States Code, Section 844(i), in order to intimidate representatives, employees and customers of the Companies and to cause economic injury to the Companies to coerce them to enter into collective bargaining agreements with Local 110, and thereafter did perform and attempt to perform acts to promote, manage, establish, and carry on, and to facilitate the promotion, management,

establishment, and carrying on of said unlawful activity, in violation of Title 18, United States Code, Section 1952(a)(3).

MANNER AND MEANS OF THE CONSPIRACY

4. The manner and means alleged in Count One, Paragraphs 11 through 14, 22 and 23, 25 through 27, 31 through 45, and 48 through 50 are realleged and incorporated by reference herein as if fully set forth.

5. It was further a part of the conspiracy that, in order to avoid adverse publicity to Local 110, and potential law enforcement scrutiny, members of the conspiracy traveled from the Northern District of Illinois, to the locations of theaters operated by the Companies in other States, to place and activate incendiary chlorine and brake fluid devices.

6. It was further a part of the conspiracy that defendants CARL A. COVELLI and PETER R. MACARI, and other coconspirators took over defendant MARJAN's projectionist duties at his place of employment in order to cover for MARJAN while he traveled with defendant KENT B. DICKINSON to place and activate the incendiary chlorine and brake fluid devices in theaters of the Companies located in other States.

OVERT ACTS

7. In furtherance of the conspiracy and to effect its objects, the following acts of defendants and coconspirators, among others, are alleged as overt acts committed in the Northern District of Illinois, Eastern Division, and elsewhere:

(a) Shortly after March 29, 1998, defendant ALBIN C. BRENKUS met with defendant KENT B. DICKINSON and directed DICKINSON that, in the future, the incendiary chlorine and brake fluid devices were to be placed and activated in theaters of the Companies

located outside of Illinois.

(b) On or about June 7, 1998, defendants KENT B. DICKINSON and PETER C. LIPA traveled from the Northern District of Illinois to Indianapolis in the State of Indiana, to place and activate incendiary chlorine and brake fluid devices in two Loews theaters.

(c) In or about late July or early August, 1998, defendants KENT B. DICKINSON and JOSEPH L. MARJAN traveled from the Northern District of Illinois to the Detroit area in the State of Michigan, to place and activate an incendiary chlorine device in a Star theater.

(d) On or about August 2, 1998, defendants KENT B. DICKINSON and JOSEPH L. MARJAN traveled from the Northern District of Illinois to Beavercreek in the State of Ohio, to place and activate an incendiary chlorine and brake fluid device in a Loews theater.

(e) On or about August 15, 1998, defendants KENT B. DICKINSON and JOSEPH L. MARJAN traveled from the Northern District of Illinois to New York in the State of New York, to place and activate incendiary chlorine devices in a Sony/Loews theater complex.

(f) On or about October 3, 1998, defendants KENT B. DICKINSON and JOSEPH L. MARJAN traveled from the Northern District of Illinois to Secaucus in the State of New Jersey, to place and activate incendiary chlorine and brake fluid devices in a Loews theater.

(g) On or about February 27, 1999, defendants KENT B. DICKINSON and JOSEPH L. MARJAN traveled from the Northern District of Illinois to North Canton in the State of Ohio, to place and activate incendiary chlorine and brake fluid devices in Cinemark theaters.

(h) On or about April 3, 1999, defendants KENT B. DICKINSON and JOSEPH L. MARJAN traveled from the Northern District of Illinois to Lexington in the State of Kentucky, to place and activate incendiary chlorine and brake fluid devices in a Cinemark theater.

(i) Prior to May 15, 1999, defendants ALBIN C. BRENKUS and KENT B. DICKINSON met and discussed that DICKINSON would travel with other members of the conspiracy to the Dallas, Texas area for the purpose of placing and activating incendiary chlorine and brake fluid devices at Cinemark movie theaters there including the theater adjacent to Cinemark's corporate headquarters building.

(j) Prior to May 15, 1999, defendant ALBIN C. BRENKUS advised defendant KENT B. DICKINSON that defendant CARL A. COVELLI would provide an individual to drive defendants DICKINSON and MARJAN to the Dallas, Texas area for the purpose of placing and activating incendiary chlorine and brake fluid devices in Cinemark movie theaters located there.

(k) Prior to May 15, 1999, Individual A and defendant CARL A. COVELLI attempted to recruit Peter R. Macari to travel with defendants DICKINSON and MARJAN to the Dallas, Texas area for the purpose of placing and activating incendiary chlorine and brake fluid devices in Cinemark movie theaters located there.

(l) Prior to May 15, 1999, Individual A and defendant CARL A. COVELLI recruited defendant MICHAEL A. ROSSI to travel with defendants DICKINSON and MARJAN to the Dallas, Texas area for the purpose of placing and activating incendiary chlorine and brake fluid devices in Cinemark movie theaters located there.

(m) On or about May 13, 1999, defendants CARL A. COVELLI and MICHAEL A. ROSSI met with defendant KENT B. DICKINSON for the purpose of introducing ROSSI to DICKINSON, and facilitating ROSSI's travel with DICKINSON and MARJAN to Dallas, Texas.

(n) On or about May 13, 1999, and again on or about May 16, 1999, defendant CARL A. COVELLI paid defendant MICHAEL A. ROSSI to compensate ROSSI for lost wages and

expenses during his travel to Dallas, Texas with defendants DICKINSON and MARJAN.

(o) On or about May 14, 1999, defendants KENT B. DICKINSON, JOSEPH L. MARJAN and MICHAEL A. ROSSI traveled from the Northern District of Illinois to Dallas and Plano in the State of Texas, to place and activate incendiary chlorine and brake fluid devices in Cinemark theaters.

(p) On or about June 6, 1999, defendants KENT B. DICKINSON and JOSEPH L. MARJAN traveled from the Northern District of Illinois to Mishawaka in the State of Indiana, to place and activate an incendiary chlorine and brake fluid device in a Cinemark theater.

(q) On or about June 27, 1999, defendants KENT B. DICKINSON and MICHAEL A. ROSSI traveled from the Northern District of Illinois to Kenosha in the State of Wisconsin, to place and activate incendiary chlorine and brake fluid devices in a Cinemark theater.

(r) On or about July 10, 1999, defendant KENT B. DICKINSON traveled from the Northern District of Illinois to Ames in the State of Iowa, to place and activate incendiary chlorine and brake fluid devices in a Cinemark theater.

(s) On or about August 20, 1999, defendants KENT B. DICKINSON and JOSEPH L. MARJAN traveled from the Northern District of Illinois to Merriam in the State of Kansas, to place and activate incendiary chlorine and brake fluid devices in an Cinemark theater.

8. The acts of the defendants alleged in Counts Seven through Thirteen of this Indictment are realleged and incorporated by reference herein as overt acts in furtherance of the conspiracy.

All in violation of Title 18, United States Code, Section 371.

COUNT THREE

The SPECIAL FEBRUARY 2002-2 GRAND JURY further charges:

On or about March 29, 1998, in the Northern District of Illinois, Eastern Division,

ALBIN C. BRENKUS,
CARL A. COVELLI,
KENT B. DICKINSON, and
KEITH J. DUTTON,

defendants herein, did maliciously damage and cause to be damaged by means of fire, personal property within the AMC Cantera 30 theater building located at 28250 East Diehl Road, Warrenville, Illinois, said personal property then being used in interstate commerce and an activity affecting interstate commerce,

In violation of Title 18, United States Code, Sections 844(i) and 2.

COUNT FOUR

The SPECIAL FEBRUARY 2002-2 GRAND JURY further charges:

On or about March 29, 1998, in the Northern District of Illinois, Eastern Division,

ALBIN C. BRENKUS,
CARL A. COVELLI,
KENT B. DICKINSON, and
KEITH J. DUTTON,

defendants herein, did attempt to maliciously damage and cause to be damaged by means of fire, real and personal property within the AMC 30 theater building located at 175 Studio Drive, South Barrington, Illinois, said real and personal property then being used in interstate commerce and an activity affecting interstate commerce,

In violation of Title 18, United States Code, Sections 844(i) and 2.

COUNT FIVE

The SPECIAL FEBRUARY 2002-2 GRAND JURY further charges:

On or about July 24, 1998, in the Northern District of Illinois, Eastern Division,

ALBIN C. BRENKUS,
CARL A. COVELLI,
JOSEPH L. MARJAN, and
GREGORY J. TORTORELLO,

defendants herein, did maliciously damage and cause to be damaged by means of fire, personal property within a theater in the Loews theater building located at 1500 Buttitta Drive, Streamwood, Illinois, said personal property then being used in interstate commerce and an activity affecting interstate commerce,

In violation of Title 18, United States Code, Sections 844(i) and 2.

COUNT SIX

The SPECIAL FEBRUARY 2002-2 GRAND JURY further charges:

On or about November 14, 1998, in the Northern District of Illinois, Eastern Division,

ALBIN C. BRENKUS,
CARL A. COVELLI,
JOSEPH L. MARJAN, and
GREGORY J. TORTORELLO,

defendants herein, did attempt to maliciously damage and cause to be damaged by means of fire, real and personal property within the Cinemark Tinseltown Theater, 320 South Lincolnway, North Aurora, Illinois, said real and personal property then being used in interstate commerce and an activity affecting interstate commerce,

In violation of Title 18, United States Code, Sections 844(i) and 2.

COUNT SEVEN

The SPECIAL FEBRUARY 2002-2 GRAND JURY further charges:

On or about February 27, 1999, in the Northern District of Illinois, Eastern Division,

ALBIN C. BRENKUS,
CARL A. COVELLI,
KENT B. DICKINSON, and
JOSEPH L. MARJAN,

defendants herein, did travel, cause travel and aid and abet travel in interstate commerce from the Northern District of Illinois, to North Canton in the State of Ohio, with intent to promote, manage, establish, and carry on, and to facilitate the promotion, management, establishment and carrying on of an unlawful activity, that is, arson in violation of Title 18, United States Code, Section 844(i), a law of the United States, and thereafter did perform and attempt to perform acts to promote, manage, establish, and carry on, and to facilitate the promotion, management, establishment, and carrying on of said unlawful activity,

In violation of Title 18, United States Code, Sections 1952(a)(3) and 2.

COUNT EIGHT

The SPECIAL FEBRUARY 2002-2 GRAND JURY further charges:

On or about April 3, 1999, in the Northern District of Illinois, Eastern Division,

ALBIN C. BRENKUS,
CARL A. COVELLI,
KENT B. DICKINSON, and
JOSEPH L. MARJAN,

defendants herein, did travel, cause travel, and aid and abet travel in interstate commerce from the Northern District of Illinois, to Lexington in the State of Kentucky, with intent to promote, manage, establish, and carry on, and to facilitate the promotion, management, establishment and carrying on of an unlawful activity, that is, arson in violation of Title 18, United States Code, Section 844(i), a law of the United States, and thereafter did perform and attempt to perform acts to promote, manage, establish, and carry on, and to facilitate the promotion, management, establishment, and carrying on of said unlawful activity,

In violation of Title 18, United States Code, Sections 1952(a)(3) and 2.

COUNT NINE

The SPECIAL FEBRUARY 2002-2 GRAND JURY further charges:

On or about May 14, 1999, in the Northern District of Illinois, Eastern Division,

ALBIN C. BRENKUS,
CARL A. COVELLI,
KENT B. DICKINSON,
JOSEPH L. MARJAN, and
MICHAEL A. ROSSI,

defendants herein, did travel, cause travel, and aid and abet travel in interstate commerce from the Northern District of Illinois, to Dallas and Plano in the State of Texas, with intent to promote, manage, establish, and carry on, and to facilitate the promotion, management, establishment and carrying on of an unlawful activity, that is, arson in violation of Title 18, United States Code, Section 844(i), a law of the United States, and thereafter did perform and attempt to perform acts to promote, manage, establish, and carry on, and to facilitate the promotion, management, establishment, and carrying on of said unlawful activity,

In violation of Title 18, United States Code, Sections 1952(a)(3) and 2.

COUNT TEN

The SPECIAL FEBRUARY 2002-2 GRAND JURY further charges:

On or about June 6, 1999, in the Northern District of Illinois, Eastern Division,

ALBIN C. BRENKUS,
CARL A. COVELLI,
KENT B. DICKINSON,
JOSEPH L. MARJAN, and
PETER R. MACARI,

defendants herein, did travel, cause travel, and aid and abet travel in interstate commerce from the Northern District of Illinois, to Mishawaka in the State of Indiana, with intent to promote, manage, establish, and carry on, and to facilitate the promotion, management, establishment and carrying on of an unlawful activity, that is, arson in violation of Title 18, United States Code, Section 844(i), a law of the United States, and thereafter did perform and attempt to perform acts to promote, manage, establish, and carry on, and to facilitate the promotion, management, establishment, and carrying on of said unlawful activity,

In violation of Title 18, United States Code, Sections 1952(a)(3) and 2.

COUNT ELEVEN

The SPECIAL FEBRUARY 2002-2 GRAND JURY further charges:

On or about June 27, 1999, in the Northern District of Illinois, Eastern Division,

ALBIN C. BRENKUS,
CARL A. COVELLI,
KENT B. DICKINSON, and
MICHAEL A. ROSSI,

defendants herein, did travel, cause travel, and aid and abet travel in interstate commerce from the Northern District of Illinois, to Kenosha in the State of Wisconsin, with intent to promote, manage, establish, and carry on, and to facilitate the promotion, management, establishment and carrying on of an unlawful activity, that is, arson in violation of Title 18, United States Code, Section 844(i), a law of the United States, and thereafter did perform and attempt to perform acts to promote, manage, establish, and carry on, and to facilitate the promotion, management, establishment, and carrying on of said unlawful activity,

In violation of Title 18, United States Code, Sections 1952(a)(3) and 2.

COUNT TWELVE

The SPECIAL FEBRUARY 2002-2 GRAND JURY further charges:

On or about July 10, 1999, in the Northern District of Illinois, Eastern Division,

ALBIN C. BRENKUS,
CARL A. COVELLI, and
KENT B. DICKINSON,

defendants herein, did travel, cause travel, and aid and abet travel in interstate commerce from the Northern District of Illinois, to Ames in the State of Iowa, with intent to promote, manage, establish, and carry on, and to facilitate the promotion, management, establishment and carrying on of an unlawful activity, that is, arson in violation of Title 18, United States Code, Section 844(i), a law of the United States, and thereafter did perform and attempt to perform acts to promote, manage, establish, and carry on, and to facilitate the promotion, management, establishment, and carrying on of said unlawful activity,

In violation of Title 18, United States Code, Sections 1952(a)(3) and 2.

COUNT THIRTEEN

The SPECIAL FEBRUARY 2002-2 GRAND JURY further charges:

On or about August 20, 1999, in the Northern District of Illinois, Eastern Division,

ALBIN C. BRENKUS,
CARL A. COVELLI,
KENT B. DICKINSON,
JOSEPH L. MARJAN, and
PETER R. MACARI,

defendants herein, did travel, cause travel, and aid and abet travel in interstate commerce from the Northern District of Illinois, to Merriam in the State of Kansas, with intent to promote, manage, establish, and carry on, and to facilitate the promotion, management, establishment and carrying on of an unlawful activity, that is, arson in violation of Title 18, United States Code, Section 844(i), a law of the United States, and thereafter did perform and attempt to perform acts to promote, manage, establish, and carry on, and to facilitate the promotion, management, establishment, and carrying on of said unlawful activity,

In violation of Title 18, United States Code, Sections 1952(a)(3) and 2.

COUNT FOURTEEN

The SPECIAL FEBRUARY 2002-2 GRAND JURY further charges:

1. Paragraphs 4 and 9(a) of Count One of this Indictment are realleged and incorporated by reference herein as if fully set forth.

2. In or about August 1999, the SPECIAL JANUARY 1999-1 Grand Jury sitting in Chicago, Illinois, commenced grand jury investigation 99 GJ 1147 (the “Grand Jury Investigation”). This Grand Jury Investigation was assisted by federal agents who conducted inquiries of potential witnesses. Successive federal grand juries, including the SPECIAL JULY 2000-1 Grand Jury and the SPECIAL FEBRUARY 2002-2 Grand Jury, have continued the Grand Jury Investigation into, among other things, allegations of arson, interstate travel in aid of racketeering and extortion by members and associates of Local 110, including defendant ALBIN C. BRENKUS, Joseph L. Marjan, Carl A Covelli, and other individuals, including Peter R. Macari and Michael A. Rossi. The Grand Jury Investigation has concerned allegations of violations of Title 18, United States Code, Sections 371 (conspiracy); 844(i) (arson); 844(n) (arson conspiracy); 1951 (extortion); 1952 (interstate travel in aid of racketeering); 1962 (racketeering); and 1503 (obstruction of justice). The Grand Jury Investigation continued up to and including the date of the return of this Indictment.

3. On or about August 24, 1999, in furtherance of the Grand Jury Investigation, the SPECIAL JANUARY 1999-1 Grand Jury subpoenaed certain records from Local 110 relating to its members, officers and employees. The subpoena required production of the records to the Grand Jury on September 2, 1999. At the time of the issuance of the subpoena, the Grand Jury and federal investigators were seeking information relating to alleged acts of arson, interstate travel in aid of racketeering, extortion and violence by members of Local 110 and others on its behalf and, in

particular, the August 18, 1999, attempted murder and aggravated battery of the manager of the Cinemark movie theater in Melrose Park, Illinois.

4. On or about August 24, 1999, defendant ALBIN C. BRENKUS became aware of the Grand Jury Investigation.

5. On or about October 22, 2001, Joseph L. Marjan met with defendant ALBIN C. BRENKUS to discuss, among other things, Marjan's purported concerns about the Grand Jury Investigation and how he should respond to any future inquiries by the Grand Jury or federal agents assisting the Grand Jury.

6. On or about October 22, 2001, at Chicago, in the Northern District of Illinois, Eastern Division,

ALBIN C. BRENKUS,

defendant herein, corruptly endeavored to influence, obstruct, and impede the due administration of justice; namely, that defendant ALBIN C. BRENKUS, knowing that the Grand Jury Investigation was probing, among other things, the activities of BRENKUS, Marjan, Carl A. Covelli, Peter R. Macari, Michael A. Rossi, and others, relating to the alleged acts of arson, interstate travel in aid of racketeering, extortion and violence by members of Local 110 and others on its behalf, including the attempted murder and aggravated battery of the Melrose Park Cinemark theater manager, directed and advised Marjan that, in response to any inquiries in the Grand Jury Investigation:

- (a) Marjan should state that he "don't know nobody," and that he "don't know nothin";
- (b) Marjan should further respond to any such inquiries by stating, "I don't know what you're talking about"; and
- (c) In response to any inquiries regarding the projectionist training provided by Marjan

and others, including Carl A. Covelli, to Michael A. Rossi and Peter R. Macari,

Marjan should state that he “didn’t try to train nobody.”

When, in fact, as defendant BRENKUS well knew, Marjan had participated in acts of vandalism and arson and knew the identities of other Local 110 members and associates who had engaged in violence, vandalism and arson, and had provided and was aware of others who had provided projectionist training to Macari and Rossi.

In violation of Title 18, United States Code, Sections 1503(a) and 2.

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY